

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF DELAWARE

NICE SYSTEMS, INC., and
NICE SYSTEMS, LTD.,

Plaintiffs,

v.

WITNESS SYSTEMS, INC.,

Defendant.

Civil Action No. 06-311-JJF

**PLAINTIFFS' SECOND AMENDED
PROPOSED FORM OF SPECIAL JURY VERDICT**

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Dated: January 22, 2008

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Systems, Inc.*

We, the jury in the above-titled action, find the following special verdict on the questions submitted to us:

Question No. I: INFRINGEMENT

Do you find by a preponderance of the evidence that Witness Systems infringed, literally or pursuant to the doctrine of equivalents, any of the following claims of the following patents:

Please answer **YES** or **NO**.

A **YES** is a finding for the plaintiff, NICE.

A **NO** is a finding for the defendant, Witness Systems.

A. Patent '371

- | | | | |
|----|---------|-----------------|----------------|
| 1. | Claim 1 | YES ____ | NO ____ |
| 2. | Claim 8 | YES ____ | NO ____ |

B. Patent '570

- | | | | |
|----|---------|-----------------|----------------|
| 1. | Claim 6 | YES ____ | NO ____ |
|----|---------|-----------------|----------------|

C. Patent '372

- | | | | |
|----|----------|-----------------|----------------|
| 1. | Claim 1 | YES ____ | NO ____ |
| 2. | Claim 15 | YES ____ | NO ____ |
| 3. | Claim 33 | YES ____ | NO ____ |

D. Patent '920

- | | | | |
|----|----------|-----------------|----------------|
| 1. | Claim 1 | YES ____ | NO ____ |
| 2. | Claim 16 | YES ____ | NO ____ |
| 3. | Claim 21 | YES ____ | NO ____ |

E. Patent '109

- | | | | |
|----|---------|-----------------|----------------|
| 1. | Claim 1 | YES ____ | NO ____ |
| 2. | Claim 6 | YES ____ | NO ____ |

Question No. II: WILLFUL INFRINGEMENT

If your answer was **YES** to any subpart of any part of Question I, do you find by clear and convincing evidence that Witness Systems' infringement was willful?

Please answer **YES** or **NO**.

A **YES** is a finding for the plaintiff, NICE.

A **NO** is a finding for the defendant, Witness Systems.

A. Patent '371

- | | | | |
|----|---------|-----------------|----------------|
| 1. | Claim 1 | YES ____ | NO ____ |
| 2. | Claim 8 | YES ____ | NO ____ |

B. Patent '570

- | | | | |
|----|---------|-----------------|----------------|
| 1. | Claim 6 | YES ____ | NO ____ |
|----|---------|-----------------|----------------|

C. Patent '372

- | | | | |
|----|----------|-----------------|----------------|
| 1. | Claim 1 | YES ____ | NO ____ |
| 2. | Claim 15 | YES ____ | NO ____ |
| 3. | Claim 33 | YES ____ | NO ____ |

D. Patent '920

- | | | | |
|----|----------|-----------------|----------------|
| 1. | Claim 1 | YES ____ | NO ____ |
| 2. | Claim 16 | YES ____ | NO ____ |
| 3. | Claim 21 | YES ____ | NO ____ |

E. Patent '109

- | | | | |
|----|---------|-----------------|----------------|
| 1. | Claim 1 | YES ____ | NO ____ |
| 2. | Claim 6 | YES ____ | NO ____ |

Question No. III: INVALIDITY

Do you find by clear and convincing evidence that any of the following claims of the following patent are invalid?

Please answer **YES** or **NO**.

A **YES** is a finding for the *defendant*, Witness Systems.

A **NO** is a finding for the *plaintiff*, NICE.

A. Patent '371

- | | | | |
|----|---------|-----------------|----------------|
| 1. | Claim 1 | YES ____ | NO ____ |
| 2. | Claim 8 | YES ____ | NO ____ |

B. Patent '570

- | | | | |
|----|---------|-----------------|----------------|
| 1. | Claim 6 | YES ____ | NO ____ |
|----|---------|-----------------|----------------|

C. Patent '372

- | | | | |
|----|----------|-----------------|----------------|
| 1. | Claim 1 | YES ____ | NO ____ |
| 2. | Claim 15 | YES ____ | NO ____ |
| 3. | Claim 33 | YES ____ | NO ____ |

D. Patent '920

- | | | | |
|----|----------|-----------------|----------------|
| 1. | Claim 1 | YES ____ | NO ____ |
| 2. | Claim 16 | YES ____ | NO ____ |
| 3. | Claim 21 | YES ____ | NO ____ |

E. Patent '109

- | | | | |
|----|---------|-----------------|----------------|
| 1. | Claim 1 | YES ____ | NO ____ |
| 2. | Claim 6 | YES ____ | NO ____ |

Question No. IV: DAMAGES

What damages, if any, do you award NICE for infringement of each patent that you found to be both valid and infringed?

	Royalty Percentage (%)	Royalty Amount (\$)
A. Patent '371	_____	_____
B. Patent '570	_____	_____
C. Patent '372	_____	_____
D. Patent '920	_____	_____
E. Patent '109	_____	_____
Total	_____	_____

We, the jurors, by signing below, indicate our unanimous verdict.

Juror Foreperson

Juror

Juror

Juror

Juror

Juror

Juror

Juror

Juror

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